

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MB Docket No. 05-243
Table of Allotments,	)	RM-11363
FM Broadcast Stations.	)	RM-11364
(Meeteetse, Wyoming, Fruita, Colorado, Ashton,	)	RM-11365
Burley, Dubois, Idaho Falls, Pocatello, Rexburg,	)	
Shelley, Soda Springs, and Weston, Idaho, Lima,	)	
Montana, American Fork, Ballard, Brigham City,	)	
Centerville, Delta, Huntington, Kaysville, Logan,	)	
Manti, Milford, Naples, Oakley, Orem, Price	)	
Randolph, Roosevelt, Roy, Salina, South Jordan,	)	
Spanish Fork, Vernal, Wellington, and Woodruff,	)	
Utah, Diamondville, Evanston, Kemmerer,	)	
Marbleton, Superior, Thayne, and Wilson,	)	
Wyoming) <sup>1</sup>	)	
	)	
	)	

**ORDER TO SHOW CAUSE**

**Adopted: April 18, 2007**

**Released: April 20, 2007**

**Comment Date: May 21, 2007**

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a counterproposal filed jointly by Millcreek Broadcasting, LLC, licensee of Station KUUU(FM), Channel 223C2, South Jordan, Utah, Simmons SLC, LLC, licensee of Station KAOX(FM), Channel 297C1, Kemmerer, Wyoming, 3 Point Media – Coalville, LLC, licensee of Station KCUA(FM), Channel 223C3, Naples, Utah, 3 Point Media – Delta, LLC, licensee of Station KMGR(FM), Channel 240C1, Delta, Utah, and College Creek Broadcasting, LLC, permittee of FM New Station, Channel 252C2 at Evanston, Wyoming and FM New Station, Channel 237C3 at Wellington, Utah, (collectively “Joint Parties”), in response to the *Notice of Proposed Rule Making*.<sup>2</sup> The Joint Parties requested the issuance of this *Order to Show Cause* directed at Idaho Wireless Corporation, (“Idaho Wireless”), licensee of Station KZBQ(FM), Channel 229C at Pocatello, Idaho.

2. The Joint Parties filed a timely counterproposal in response to the *Notice’s* proposed substitution of Channel 259C for Channel 273C at Meeteetse, Wyoming. The counterproposal requested

<sup>1</sup> Fruita, Colorado, Ashton, Burley, Dubois, Idaho Falls, Pocatello, Rexburg, Shelley, Soda Springs, and Weston, Idaho, Lima, Montana, American Fork, Ballard, Brigham City, Centerville, Delta, Huntington, Kaysville, Logan, Manti, Milford, Naples, Oakley, Orem, Price, Randolph, Roosevelt, Roy, Salina, South Jordan, Spanish Fork, Vernal, Wellington, and Woodruff, Utah, Diamondville, Evanston, Kemmerer, Marbleton, Superior, Thayne, and Wilson, Wyoming have been added to the caption. See *Public Notice*, Report No. 2811, released April 2, 2007; see also *Public Notice*, Report No. 2808, released March 28, 2007 and *Public Notice*, Report No. 2809, released March 28, 2007.

<sup>2</sup> See *Meeteetse, Wyoming*, Notice of Proposed Rule Making, 20 FCC Rcd 12967 (MB 2005) (“*Notice*”).

the substitution of Channel 252C for New FM Station, Channel 252C2 at Evanston, Wyoming, and modification of its authorization; the substitution of Channel 237C3 for Channel 252C3 at Price, Utah, and modification of Station KARB(FM) license; the substitution of Channel 233C3 for New FM Station, Channel 237C3, Wellington, Utah, and modification of its authorization to reflect this change; the substitution of Channel 239C for vacant Channel 233C at Salina, Utah; the substitution of Channel 240C0 for Channel 240C1 at Delta, Utah, reallocation of Channel 240C0 from Delta to Randolph, Utah, as its second local service, and modification of the Station KMGR(FM) license; the substitution of Channel 260C3 for Channel 240A at Weston, Idaho, and modification of the Station KLZX(FM) license; the substitution of Channel 228C for Channel 260C at Burley, Idaho, and modification of Station KZDX(FM)'s license; the substitution of Channel 230C for Channel 229C at Pocatello, Idaho, and modification of the Station KZBQ(FM) license;<sup>3</sup> the substitution of Channel 260C3 for Channel 261C2 at Soda Spring, Idaho, reallocation of Channel 260C3 from Soda Springs, Idaho to Wilson, Wyoming, as its first local service, and modification of Station KITT(FM)'s license;<sup>4</sup> the reallocation of Channel 297C1 from Kemmerer, Wyoming to Shelley, Idaho, as its second local service, and modification of Station KAOX(FM) license; the substitution of Channel 300C1 for Channel 296C1 at Idaho Falls, Idaho, and modification of Station KEQO(FM)'s license; the substitution of Channel 223C1 for Channel 223C3 at Naples, Utah, reallocation of Channel 223C1 from Naples, Utah, to Diamondville, Wyoming<sup>5</sup> and modification of the Station KCUA(FM) license; the substitution of Channel 223A for Channel 223C2 at South Jordan, Utah, and modification of the Station KUUU(FM) license; the substitution of Channel 255C2 for Channel 253C2 at Roosevelt, Utah, reallocation of Channel 255C2 from Roosevelt, Utah, to Naples, Utah, to prevent removal of Naples' sole local service, and modification of the Station KIFX(FM) license; the substitution of Channel 255A for vacant Channel 255C3 at Fruita, Colorado; the substitution of Channel 239C3 for Channel 239C1 at Marbleton, Wyoming, reallocation of Channel 239C3 from Marbleton, Wyoming, to Ballard, Utah, as its first local service, and modification of the Station KFMR(FM) license; and the allotment of Channel 257C1 at Marbleton, Wyoming. The counterproposal also proposed the allotment of Channel 288C instead of the proposed Channel 259C at Meeteetse, Wyoming to remove the conflict with the *Notice*'s proposal.

3. Section 316(a) of the Communications Act of 1934, as amended,<sup>6</sup> permits us to modify the license or construction permit if such action is in the public interest. The Act requires that we notify the affected station of the proposed action, the public interest reasons for the action, and afford at least 30 days to respond. This procedure is now set forth in Section 1.87 of the Commission's Rules.<sup>7</sup> We find that the Joint Parties counterproposal has sufficient public interest benefits to justify the issuance of a show cause order. Therefore, we are issuing this *Order to Show Cause* directed to Idaho Wireless,

---

<sup>3</sup> The license of Station KZBQ(FM) at Pocatello, Idaho can be modified to specify operation on Channel 230C in lieu of Channel 229C at the station's current authorized transmitter site. See File No. BMLH-20000616AAS. The licensed coordinates for Station KZBQ(FM) at Pocatello are 42-51-57 NL and 112-30-46 WL.

We note that Station KZBQ(FM) has an outstanding construction permit for Channel 229C0 at Pocatello. See File No. BPH-20040715ADT. In this regards, Channel 229C0 can be substituted for Channel 230C0 at Pocatello to accommodate the proposed channel substitution for Station KZDX(FM), Burley, Idaho.

<sup>4</sup> The Joint Parties filed a minor amendment, requesting that Channel 261C3 be reallocated to Wilson, Wyoming instead of Channel 260C3 for Station KITT(FM). The new reference coordinates for Channel 261C3 at Wilson are 43-27-40 NL and 110-45-09 WL

<sup>5</sup> This proposed reallocation will eliminate any white area created by the relocation of Station KAOX(FM) from Kemmerer to Shelley, Idaho.

<sup>6</sup> 47 U.S.C. § 316(a) (the "Act").

<sup>7</sup> See *Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act*, Order, 2 FCC Red 3327 (1987).

requesting the licensee to show cause why Station KZBQ(FM), Channel 229C, Pocatello, Idaho should not be modified to specify on Channel 230C as proposed herein.

4. The Joint Parties states that they will reimburse Idaho Wireless for the reasonable costs incurred in connection with the proposed channel change for Station KZBQ(FM) consistent with the *Circleville* policy.<sup>8</sup>

5. Accordingly, IT IS ORDERED, That pursuant to the Act, Idaho Wireless Corporation, licensee of Station KZBQ(FM), Pocatello, Idaho, , SHALL SHOW CAUSE why its license should not be modified to specify operation on Channel 230C in lieu of Channel 229C.

6. Pursuant to Section 1.87 of the Communications Rules, the above affected licensee may, no later than May 21, 2007, file a written statement showing with particularity why the station's license should not be modified as proposed in this *Order to Show Cause*. The Commission may call upon the affected licensee herein to furnish additional information. If the affected licensee raises any substantial and material questions of fact, a hearing may be required to resolve such questions of fact pursuant to Section 1.87 of the Rules. Upon review of the statements and/or additional information furnished, the Commission may grant the modification, deny the modification, or set the matter of modification for hearing. If no written statement is filed by the date referred to above, the licensee will be deemed to have consented to the modification as proposed in this *Order to Show Cause* and a final Order will be issued if the modification is found to be in the public interest.

7. IT IS FURTHER ORDERED, that a copy of this *Order to Show Cause* shall be sent BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to the following:

Idaho Wireless Corporation  
P.O. Box 97  
Pocatello, Idaho 83204

Peter Tannenwald, Esq.  
Irwin, Campbell & Tannenwald, P.C.  
Counsel for Idaho Wireless Corporation  
1730 Rhode Island Avenue, N.W.  
Suite 200  
Washington, D.C. 20036-3101

8. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Assistant Chief  
Audio Division  
Media Bureau

---

<sup>8</sup> See *Circleville, Ohio*, Memorandum Opinion and Order, 8 FCC 2d 159 (1967).